

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

In re:

MARINA OLDSCO.,

Debtor.

Case No. 12-10295 (ESL)

Chapter 11

PDR ACQUISITION LLC, ET AL., Plaintiffs

vs.

DANIEL W. SHELLEY, SONIA DIAZ-ASENCIO, THE CONJUGAL PARTNERSHIP COMPRISED BETWEEN THEM, AND MEDIO MUNDO, INC., Defendants.

Adv. Proc. No. 14-00027 (ESL)

Injunctive Relief

Specific Performance

**PURCHASER’S MOTION TO TENDER ‘REPLY TO DEFENDANTS’ OPPOSITION TO PLAINTIFFS’ “MOTION TO QUASH AND NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE” [Docket No. 140]’, AND FOR LEAVE TO FILE REPLY THAT EXCEEDS TEN (10) PAGES**

TO THE HONORABLE ENRIQUE S. LAMOUTTE,  
CHIEF UNITED STATES BANKRUPTCY JUDGE:

PDR Acquisition LLC (together with the PBF Entities<sup>1</sup> and the Additional PBF Entities, collectively, the “Purchaser”), respectfully submits this motion to tender its ‘Reply to the Opposition to Plaintiffs’ “Motion to Quash and Notice of Voluntary Dismissal without Prejudice” [Docket No. 140]’ (the “Reply”), and for leave to file a reply that exceeds ten (10) pages, and, in support hereof, respectfully represents as follows:

---

<sup>1</sup> Capitalized terms used but not defined herein have the meanings ascribed to such terms in the Confirmation Order entered in bankr. case no. 12-10295 (ESL).

1. On February 27, 2015, the Purchaser filed its (i) Motion to Quash and/or Oppose, and Vacate, Defendants' Motion to Convert Their Previously Filed Motion to Dismiss for Failure to State a Claim, Docket No. 32, in a Motion for Summary Judgment, and Related Statement of Material Facts in Support of Motion for Summary Judgment [Docket No. 132] (the "Motion to Quash"), and (ii) Notice of Voluntary Dismissal Without Prejudice, Pursuant to Rule 41 of the Federal Rules of Civil Procedure [Docket No. 133] (the "Notice of Voluntary Dismissal").

2. On March 13, 2015, Mr. Daniel W. Shelley ("Mr. Shelley"), Mrs. Sonia Diaz-Asencio, the Conjugal Partnership Comprised Between Them, and Medio Mundo, Inc. ("MMI" and, together with the foregoing defendants, the "Defendants") filed their Opposition to Plaintiffs' "Motion to Quash and Notice of Voluntary Dismissal Without Prejudice" [Docket No. 140] (the "Opposition").

3. On March 16, 2015, the Purchaser filed its 'Motion for Leave, and/or Notice of Intent, to File Reply to Defendants' Opposition to Plaintiffs' "Motion to Quash and Notice of Voluntary Dismissal without Prejudice" [Docket No. 140], and for Related Term' [Docket No. 141] (the "Motion for Leave"), requesting that the Court enter an order granting leave, and/or take notice of its intent, to file a reply to the Opposition, and, on March 23, 2015, filed its Motion Regarding Term regarding the filing thereof by this date [Docket No. 142].

4. On the date hereof, the Purchaser files and tenders its Reply.

5. The Reply is thirteen (13) pages long (one of which is almost entirely a signature page). Although efforts have been made to reduce the contents of the Reply, still, in consideration of the relevant background information included therein, the Reply briefly exceeds ten (10) pages. Accordingly, the Purchaser respectfully requests leave to file a reply that exceeds ten (10) pages, pursuant to PR Local Civil Rule 7.

**NOTICE**

6. Within fourteen (14) days after service as evidenced by the certification, and three (3) additional days, pursuant to Fed.R.Bankr.P. 9006(f), if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's Office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief requested is forbidden by law; (ii) the requested relief requested is against public policy; and/or (iii) in the opinion of the Court, the interest of justice requires otherwise.

**CERTIFICATE OF SERVICE**

7. The appearing party hereby certifies that, on this same date, the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel for the Defendants, counsel for Marina Oldco ("MOC"), and all CM/ECF participants.

WHEREFORE, the Purchaser respectfully requests that the Court accept the tendered Reply filed on the date hereof, and grant leave to file a reply that exceeds ten (10) pages.

Dated: March 24, 2015  
San Juan, Puerto Rico

**FERNÁNDEZ , COLLINS, CUYAR & PLÁ**

P.O. Box 9023905  
San Juan, PR 00902-3905  
Telephone: (787) 977-3772  
Facsimile: (787) 977-3773  
E-mail: [jcc@fccplawpr.com](mailto:jcc@fccplawpr.com)

/s/Juan A. Cuyar Cobb

Juan A. Cuyar Cobb  
USDCPR 212401

**CORREA-ACEVEDO & ABESADA LAW OFFICES,  
P.S.C.**

Centro Internacional de Mercadeo  
Torre II – Suite 407, #90 Carr. 165  
Guaynabo, PR 00968  
Telephone: (787) 273-8300  
Facsimile: (787) 273-8371  
E-mail: [ra@calopsc.com](mailto:ra@calopsc.com)

/s/Roberto Abesada-Agüet

Roberto Abesada-Agüet  
USDCPR 216706

*Co-Counsel to the Purchaser*